

HOW TO MAKE A COMPLAINT

I. POLICY:

The image of the Tiverton Police Department depends on the personal integrity and discipline of all departmental employees. To a large degree, the public image of a police department is determined by the professional response of the department to allegations of misconduct against it or its employees. The department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees, and complaints bearing on the department's response to community needs.

II. PURPOSE:

To describe procedures for making misconduct complaints against department personnel, for investigating complaints, and to list and define the dispositions of complaints.

III. PROCEDURES - GENERAL:

- A.** The department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain to inquiring citizens the complaint procedures.
- B.** The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. They must strive to remain neutral under circumstances likely to generate tension, excitement, and emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances that complaints can be resolved in light of the complicated pressures of police work.
- C.** A copy of "How to Make a Complaint" shall be given to any citizen requesting information on how to make a complaint against the department or an employee of the department. A copy of "How to Make a Complaint," is found in the appendix to this order and forms are available.
- D. Responsibility for handling complaints.**
 - 1. Complaints regarding law enforcement operations will be handled through the chain of command. Complaints involving how police service is provided, a failure to provide service, or improper attitudes or behavior will normally be investigated and handled by the employee's immediate supervisor at the request of the Chief of Police. When deemed advisable, the Chief of Police may ask an investigator from another agency or the Rhode Island State Police to undertake the investigation.
 - 2. Complaints alleging illegal or unethical police conduct, brutality, or misconduct involving several personnel or supervisory personnel will be handled by an investigator assigned by the Chief of Police to handle internal affairs matters, and shall be investigated by another agency or the Rhode Island State Police at the discretion of the Chief of Police.

E. Receipt of complaints.

1. Complaints, regardless of nature, may be lodged in person, by mail, or by phone at any time. Persons making complaints by mail or phone will normally be interviewed by the assigned investigator, and a written, signed complaint prepared. A copy of the complaint form is found in the appendix to this order. Reluctance or refusal of the reporting party to give a written statement shall not necessarily end an investigation, and anonymous complaints will be followed up to the extent possible.
2. Every reasonable effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints. An employee, who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.
3. A citizen with a complaint shall be referred to the Chief of Police or, in the Chief's absence a command officer (Lieutenant or above), who will assist the citizen in recording pertinent information and, if appropriate, conduct or delegate the conducting of a preliminary investigation.
4. If the Chief or command officer, supervisor or other investigators determine that the complainant is under the influence of an intoxicant or drug, or is apparently suffering from a mental disorder, or displays any other trait or condition bearing on his/her credibility, the Chief, command officer or designated intake officer shall note such conditions on the reverse side of the complaint form. Any visible marks or injuries relative to the allegation shall be noted and photographed, with the complainant's permission.
 - a. Prisoners or arrested persons may also make complaints. These circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the police representative will have photographs taken of the prisoner's injuries.
5. A department member receiving a citizen complaint through U.S. mail shall place the correspondence and envelope in a sealed manila envelope and forward it to the Chief of Police, who will determine investigative responsibility.
6. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and inform the complainant that the Chief of Police or, if unavailable, another command officer shall call back as soon as possible. The Chief or command officer shall then be notified as soon as practicable, to facilitate follow-up.
7. The above procedure shall also be used when department employees desire to enter a complaint against any other employee.

F. Disposition of complaints.

The Chief of Police shall:

1. Notify the complainant, in writing, as soon as practicable, that the department acknowledges receipt of the complaint and that the complaint is under investigation.
2. Maintain complaint files separate from personnel files.

- a. All internal affairs investigative reports shall be maintained as confidential records.
 - (1) Cause an investigation to be promptly begun. The investigation shall be completed within thirty (30) days, except that the Chief, for good cause, can grant extensions of not more than thirty (30) days each for completion of the investigation. The complainant shall be notified of the status of any complaint that is unresolved beyond thirty (30) days.
 - (2) Take appropriate disciplinary action following the investigation, and notify the complainant of the conclusions reached.
 - (3) Maintain close liaison with the Town Solicitor and/or Attorney General where there are allegations of alleged criminal conduct. Where liability is at issue, the Chief shall also initiate contact with the Town Administrator, Risk Administrator, and Town Solicitor, as necessary.
1. If you wish to make a complaint about the actions of a Tiverton Police officer or about any aspect of Tiverton Police operations, please:
 - a. Come to headquarters, 20 Industrial Way, and tell any employee that you want to make a complaint; or
 - b. Call the department at 401-625-6716 and tell the person answering the phone that you want to make a complaint
 - c. Write your complaint and mail it to the Chief of Police, Police Department, 20 Industrial Way, Tiverton, RI 02878.
 - d. If your complaint involves the Chief of Police, you may contact the Town Administrator at the Town Hall on 343 Highland Road in Tiverton.
2. An officer will assist you in filling out a **Report of Complaint Against Police Personnel** form. This form asks you to identify yourself and then to give specific details about your complaint.
3. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
4. You will be contacted by the Chief of Police, or the Chief's designee, when the investigation has been completed and/or for any follow-up information.